DRAWINGS

Drawings submitted on May 11, 2006 are accepted by examiner.

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert A. Molan on March 19, 2010.

The application has been amended as follows:

In claim 1, line 13, the phrase "adapted to generate" was changed to read as – configured to generate --.

In claim 1, line 14, the phrase "adapted to generate" was changed to read as -- configured to generate --.

In claim 1, line 17, the phrase "the computer is adapted to" was changed to read as -- the computer is configured to --.

In claim 1, line 20, the phrase "set of data, furthermore, based" was changed to read as -- set of data, and wherein, based --.

   In claim 1, line 21, the phrase "batches an demand" was changed to read as -- batches on demand --.

   In claim 16, line 14, the phrase "generate a third set of data" was changed to read as -- generating a third set of data --.

   In claim 16, line 16, the phrase "and establish a fourth set" was changed to read as -- and establishing a fourth set --.

   In claim 16, line 18, the phrase "generate a fifth set of data" was changed to read as -- generating, via a computer, a fifth set of data --.

   In claim 16, line 19, the phrase "calculate theoretically ideal batches," was changed to read as -- calculating, via the computer, theoretically ideal batches, --.

Allowable subject matter

2.   Claims 1-21 are allowed.

3.   The following is a statement of reasons for the indication of allowable subject matter:

4.   The closest prior art of record are Jensen (WO 00/00036), Jensen (WO 00/23772), Blevins et al. (US Publication No. 2007/0005266 A1), and Gabele et al. (US Publication No. 2003/0135354 A1).

   Jensen (WO 00/00036) discloses a system and method for building up weight-determined portions of foodstuff items which are delivered from a processing machine such as a slice cutter which is fed with pieces of natural foodstuffs of varying thickness,

said items being fed successively to a weighing and portioning machine which, on the
basis of registered item weight, carries out a selective grouping-together of items in the
formation of portions with predetermined weight, controlled by a calculation and control
unit which also receives information concerning a registered or expectable weight
distribution of the delivered items, characterized in that the control unit is operatively
connected to an adjusting arrangement in the processing machine, and is hereby
arranged to bring about such changes in the processing which have influence on the
weight of the delivered items in such a manner that the actual weight distribution is
adjusted with the object of optimizing the efficiency of the portioning machine.

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Jensen (WO 00/23772) discloses a system and method of batching out foodstuff
items in a weight controlled manner from an in coming flow of such items, in which flow
the items occur with non-uniform weights, by effecting allocation of items to a plurality of
receiver stations, the method comprising determining the weight of the individual items
and reading the weights into a control unit, determining a preferential allocation of each
item to a consequently selected receiver station based on the total weight of items
already located in the receiver station; preset operational conditions such as batch
target weight and item weight range, from which the item can be selected; optionally,
information as to expectable item weight distribution in said incoming flow of items; and
effecting transfer of the item to the selected receiver station.

Blevins et al. discloses a system and method for monitoring operation of a process in a process plant having a process control system to control the process in connection with process measurements indicative of the operation of the process. The system includes a process simulation module to model a plurality of physical devices within the process plant for generation of model data indicative of a simulated representation of the operation of the process, an analysis module to implement a multivariate statistical analysis of the operation of the process based on the model data and the process measurements, one or more computer-readable media to store respective configurations of the process simulation module and the analysis module, and one or more computer-executable execution engines for implementation of the respective configurations of the process simulation module and the analysis module to enable the on-line monitoring of the process based on communications with the process control system during the operation of the process.

Gabele et al. discloses a system and method for providing centralized access to count event information from testing of a hardware simulation model within a batch simulation farm which includes simulation clients and an instrumentation server. Count event data for said hardware simulation model is received by the instrumentation server from one or more simulation clients. A first and a second counter report are generated for the hardware simulation model, in which the first and second counter reports are derived from the count event data received by the instrumentation server. The first counter report is compared to the second counter report, and responsive to this comparison, a

counter difference report is generated within the instrumentation server that conveys count event trends associated with the simulation model under different simulation test cases.

The prior art of record does not disclose or suggest generating a set of data representing characteristics of a set of imaginary items and corresponding conditions of batches expected from a theoretically ideal batching of said set of data; and wherein theoretically ideal batches are calculated from said imaginary items contained in the set of data. The limitation mentioned above along with the other claimed limitations of independent claims 1 and 16 are novel and unobvious and are deemed allowable over the prior art of record. Dependent claims of 1 and 16 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faris Almatrahi/
Examiner, Art Unit 3627

FA

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627